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By ECF Filing

Magistrate Judge Ramon E. Reyes, Jr.
United States District Court
Eastern District of New York
225 Cadman Plaza East, Rm. N208
Brooklyn, New York 11201

Re: Muchmore's Café, LLC v. City of New York
14-cv-05668 (RRM)(RER)

Your Honor:

We are the attorneys for the plaintiff Muchmore's Café, LLC and defendant City of New York in the above-referenced action which seeks a declaratory judgment declaring Section 20-359 et seq. of the Administrative Code of the City of New York unconstitutional.

As directed in the Status Report Order of the Court on November 11, 2017 we write this joint letter "to report on the status of attorney's fees and submission of [the] stipulation of dismissal" of this action. The bill repealing the Cabaret Law was signed into law by Mayor DeBlasio on November 27, 2017. On December 1, 2017, plaintiff's attorney submitted to defendant's counsel a Declaration regarding attorney's fees with exhibits, as well as the time records for four attorneys. Defendant's counsel has reviewed this submission and is awaiting Comptroller approval for an amount to be conveyed to plaintiff's counsel.

If the matter of attorney's fees is resolved, the parties intend to execute a Stipulation of Dismissal to be "so ordered" by the Court. If the matter of attorneys' fees is not resolved, plaintiff's counsel intends to submit a pre-motion letter to the Court, which may seek relief unrelated to attorneys' fees, such as leave to amend the Complaint to address references to "dancing" or "cabarets" in other provisions of the New York City Administrative Code. Defendant reserves its right to object to any such request in the event a pre-motion letter is submitted.

Because of the upcoming Christmas and New Year's holidays, defendant's counsel will not be in the office from December 20th through January 2nd, and plaintiff's counsel will also be out of the office from December 20th to December 29th.

We respectfully request that the Court extend to the parties two weeks after January 2nd, that is to January 17, 2018, to be able to arrive at an agreement regarding attorney's fees that is acceptable to both sides.

Thank you for your consideration in this regard.

Very truly yours,



Ave Maria Brennan
Assistant Corporation Counsel

and



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Cc: By ECF filing

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